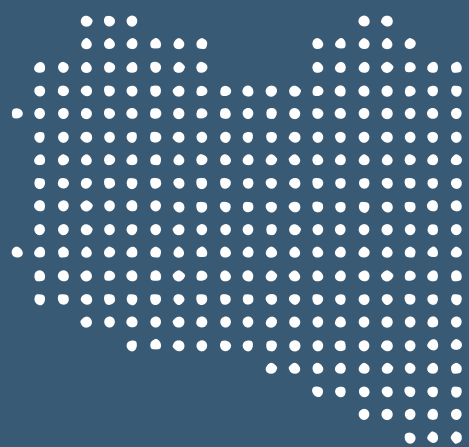


The background of the entire page is a photograph showing a close-up of several hands, likely belonging to different people, holding a flag. The flag has horizontal stripes of red, black, and green, with a white crescent and star in the center. The hands are positioned in a way that suggests they are holding the flag together, possibly during a protest or a significant event. The image has a halftone or dotted texture.

BRIEF REPORT



ON THE SITUATION OF HUMAN RIGHTS

IN LIBYA
(JANUARY-JUNE 2022)

Center for Human Rights Defender Association (CHRDA)

Brief Report on the Situation of Human Rights in Libya

(January-June 2022)

Introduction

During the first half of this year, Libya remained a safe arena for human rights violators, in light of the widespread phenomenon of impunity and the absence of accountability, as well as the continuation of the political division that was entrenched in the presence of two competing governments. After the rounds of dialogue between the political parties failed to reach a concrete agreement that would allow elections to be held soon, the streets of Libya witnessed on the first of July a massive wave of protests, in the east and the west, calling for the overthrow of all political institutions and the organization of elections.

The crackdown that began last year against civil society and human rights defenders has also escalated. This sparked panic among civil society and forced many organizations and activists to reduce their activities for fear of being subjected to arbitrary arrest and other reprisals. As long as Libya does not enjoy press freedom, journalists and activists continue to be subjected to enforced disappearance. The tragedy of migrants, refugees and asylum seekers continues. They are subjected to arbitrary detention, torture, murder, sexual violence and kidnapping for ransom, and internally displaced people continue to suffer from displacement and live in harsh conditions.

At a time when the Independent Fact-Finding Mission in Libya was facing various challenges in order to renew its mandate, especially from the Libyan authorities, the Presidential Council announced its strategic vision for the National Reconciliation Project.

Libya in a labyrinth

In the wake of the abject failure of the Libyan authorities to hold presidential and parliamentary elections in December 2021, the country entered the fray of a new political crisis, as the House of Representatives announced on February 10 that it had chosen the former Minister of the Interior, Fathi Bashagha, as the new prime minister to succeed Abdel Hamid Dabaiba. Dabaiba rejected the parliament's decision and announced his continuation in his position as prime minister, and at that time he enjoyed the continued support of the United Nations. In May, Tripoli witnessed violent clashes during Bashagha's attempt to enter the capital to claim power. Bashagha withdrew hours after the failure of the attempt that nearly plunged the country into a new bloody conflict.

But while the country temporarily escaped the resumption of infighting, the political struggle continued unabated between the competing political parties in the East and West. The United Nations Support Mission in Libya sponsored a dialogue between the Libyan parties, with the aim of reaching a consensual constitutional framework that would allow elections to be held as soon as possible. But the rounds of dialogue did not produce a tangible result.

And after two days of the failure of the last round of dialogue to settle the differences between the Libyan political parties, on July 1, Libya witnessed a massive protest wave against the deteriorating living conditions and the worsening political crisis. Protesters stormed the parliament headquarters in Tobruk in the east of the country and set it on fire, and Tripoli witnessed protests in which participants demanded the overthrow of all political authorities and the holding of elections. The protests spread to both Al-Bayda, Misurata and some other cities. The protesters threatened to declare civil disobedience until their goals were achieved.

All political parties which were the target for the protests to be brought down quickly expressed their support for the demonstrators and understood their demands and called for elections in a clear attempt to circumvent the demands of the rejecting protesters who blamed all political institutions for the deterioration of living and security conditions, as well as for causing the political crisis to enter a dark tunnel, which prompted citizens to protest in the streets and demand all officials to leave.

Renewal of the mandate of the fact-finding mission

In an effort to end the cycle of impunity for serious violations of international human rights and humanitarian law, The United Nations Human Rights Council issued a resolution in June 2020 to establish a fact-finding mission to Libya, in order to investigate violations committed in the country since 2016. But due to the liquidity crisis at the United Nations and delays caused by the outbreak of COVID-19, The expedition could not operate at full capacity until very late.

Nevertheless, the Independent Fact-Finding Mission was able to issue two high profile reports, in October 2021 and in March 2022. The mission asserted that “reasonable grounds to believe that war crimes have been committed in Libya” noting that the violence in Libya prisons and against immigrants may amount to crimes against humanity. It also confirmed that there is evidence that all parties to the conflicts in Libya, including other countries, foreign fighters and mercenaries, have committed violations of international humanitarian law, and that some of those parties have committed war crimes. It highlighted the abuses faced by migrants, asylum seekers and refugees, whether at sea or places of detention, and at the hands of human traffickers.

Furthermore, the mission addressed violations against displaced persons, child recruitment, enforced disappearances, extrajudicial killings, sexual violence, and other forms of violence against vulnerable groups. It monitored the arrest and detention of people by armed groups for their opinions about the elections or their support for a particular candidate, the continued assault on the judiciary, and the continued impunity for attacks against women involved in politics.

Recognizing the importance of the mission’s continuation, [Libyan and international human rights organizations called for the renewal of the mission’s mandate](#) during the fiftieth session of the Human Rights Council in 2022. Libyan human rights organizations, including Defender Center, also contacted the Libyan authorities formally, urging them to support the independent international fact-finding mission in Libya and renew its mandate. During all these efforts, the lack of political will in Libya to support the mission and end impunity and put an end to human rights violations was clearly evident.

Reconciliation should not impede accountability of human rights violators

At a time when the Independent Fact-Finding Mission in Libya was facing various challenges to renew its mandate, most notably obtaining the support of the Libyan authorities, the Presidential Council announced on June 23 its strategic vision for the National Reconciliation Project in Libya.

Defender Center stresses that the vision/strategic plan for national reconciliation should not be issued unilaterally by a major party in the Libyan conflict, and that it should be the product of a serious and real dialogue between all political and societal parties, supervised by an elected political authority that derives its legitimacy from the people. Civil society should not be excluded, especially human rights organizations, which should have an active role as a partner and observer. The Center calls for not taking the "specificities of the Libyan experience", which were referred to in the text of the strategic vision, as an excuse to issue a transitional justice law that is devoid of the necessary guarantees to hold perpetrators of grave human rights violations accountable.

Human rights defenders as opponents of society and the state

Since late 2020, and due to the lack of political will on the part of any of the successive governments after the revolution to remove arbitrary legal restrictions that conflict with international standards for freedom of forming civil associations, the Libyan authorities, through the Civil Society Commission in Tripoli, began to stifle civil society with more restrictions and legal obstacles, and clearly sought to abolish the independence of organizations and nationalize civil work. In 2021, we began to see social media become an arena for targeting human rights defenders, especially women. In 2022, the repressive campaign against civil society organizations and human rights defenders escalated, including arbitrary detention, defamation and incitement through the media and media communication sites, in addition to the authorities imposing more arbitrary restrictions, through the Civil Society Commission in Tripoli, on the work and activities of organizations. This is in violation of the Libyan Constitutional Declaration and international standards for freedom of association and association.

Since December 2021, the security services in Libya have arbitrarily detained 12 human rights defenders, and one of them was released, and he is still under investigation and has been banned from traveling, while there is no concrete information about 5 of them.

Last December, the security services arrested a young activist, and posted a video of his “confessions” on Facebook. In mid-February, one of the security services arrested three activists after they participated in a discussion of a human rights issue on the Clubhouse application. About a week after their arrest, one of them appeared to give his “confession” in a video clip on the security apparatus’s Facebook and Twitter page. On February 25, the same security service arrested a young activist working for an international organization concerned with refugee situations, while he was at Maitiga Airport on his way to participate in a training. On March 8, the security apparatus displayed on its Facebook page a video clip of the detained activist giving his “confessions” about his activities in civil society and his relations with a number of activists affiliated with local and international organizations. On March 9, the security apparatus arrested a sixth activist. On March 15, the agency broadcast a video clip of the “confessions” of the last detainee regarding his activities and his relations with some activists, including one of the detainees referred to above.

Defender Center has recorded a climate of fear and panic among human rights defenders across the country, and some organizations have suspended or reduced their activities because of fear of legal and security prosecution. For example, the Tanweer Movement, a Libyan civil group, announced that it had ceased its activity permanently. While they indicated in a last statement that Libya lacks a margin of freedom that allows discussion of cultural and intellectual issues, the group demanded the authorities to stop prosecuting its members and to release those arrested. It is worth noting that it is not the first time that a Libyan civil organization has had to stop its activities for fear of the safety of its members. In December 2020, the Tanarout Group for Libyan Creativity announced the suspension of its cultural activities until further notice, after being subjected to a smear campaign by the General Authority for Endowments and Islamic Affairs.

The Civil Society Commission is against the Civil Society

Despite the demands of Libyan and international human rights organizations to end the crackdown on civil society and to release those arbitrarily detained, the authorities ignored the voices and calls of those demanding freedom of establishing civil association, expression, and assembly. The Civil Society Commission in Tripoli also continued its war on civil organizations, and continued to issue decisions that contradict constitutional rights, international standards for freedom of civil organization and establishing civil associations. This is also against Libya's international human rights obligations.

On April 6, 2022, the Civil Society Commission in Tripoli published a [circular](#) prohibiting civil society organizations, or individuals affiliated with them, from participating in any activity outside Libyan territory, including trainings and workshops, or cooperating with or receiving support from international organizations, except after obtaining the approval of the Commission, which in turn communicates with the security authorities before making its "decision". This is a further step in the path taken by the Commission towards the systematic restriction of freedom of the civil society.

Since the issuance of Resolution 286 regarding the adoption of the regulations for the work of the Civil Society Commission in March 2019, Libyan human rights organizations have highlighted the [violations](#) contained in the resolution to the Interim Constitutional Declaration (Articles 14 and 15) and international standards for freedom of association. The Commission sought to impose more control over the civil associations by adding a new document to the documents related to the procedures for registering associations and renewing licenses. Where the founders of associations are forced to pledge not to deal with foreign embassies and consulates at home and abroad, and international governmental and non-governmental organizations in all forms of dealings, whether by holding meetings and conferences, or extending an invitation to them, or responding to their invitations, or signing any agreements or contracts in general until after referring and request permission and approval from the Civil Society Commission. This is what [Libyan human rights](#) organizations warned of and considered it a nationalization of civil work and the isolation of civil society from the outside world.

It is worth noting that until recently, many organizations were resorting to registering with the Civil Society Commission in Benghazi, to escape the arbitrary

restrictions imposed by the Civil Society Commission in Tripoli on the registration of civil associations. However, in a negative development indicating the worsening situation of freedom of association in Libya, the Benghazi Commission issued a circular on March 29 in which it threatened to freeze the activities of organizations that do not update their data and submit their reports periodically without the basis of the law. This circular came just two days after another circular issued by the Tripoli Commission in which it announced the suspension of the registration of organizations that had not settled their status according to Regulation 286 of 2019.

Furthermore, the Tripoli Civil Society Commission has supported the ongoing crackdown on civil society organizations. Where they issued a [statement](#) supporting the repressive measures against the organizations, including the arbitrary detention of a number of human rights defenders. The Civil Society Commission in Tripoli also issued a similar [statement](#) in which verses from the Qur'an were used in its criticism of the statement of a Libyan civil society organization in which it commented on security measures against activists, which is a very dangerous matter in a societal context that has experiences in using the weapon of "atonement" and bloodshed in the name of religion.

Moreover, [international humanitarian organizations](#) have confirmed restrictions on civil society across the country and have recorded an increasing recourse to the authorities to impose "unusual" requests. It also noted an increase in harassment of humanitarian workers.

[Human rights organizations, activists and legal experts](#) had prepared [a draft law on civil associations](#) that complies with international standards of freedom and submitted it to the House of Representatives in October 2021. The bill received the support of ten members of the House of Representatives according to the House's internal regulations, and it was referred to the House Legislative Committee in preparation for its submission to the House of Representatives Members in a formal session, but the Legislative Committee has failed to do so.

Migrants and Refugees: A Tragedy Without End

In its [report on migration](#) in Libya until the beginning of the second quarter of this year, the International Organization for Migration estimated the number of migrants in Libya at 649,788 migrants from 41 countries. The report noted an increase in the number of migrants in Libya compared to their number at the beginning of the year, when 635,051 migrants were registered in [January 2022](#).

According to the information contained in [the report of the United Nations High Commissioner for Refugees](#), during the first five months of 2022, the Libyan Coast Guard carried out 73 interceptions of migrants and refugees, during which it was able to forcibly return 6,325 migrants to Libya. It is worth mentioning here that [the Italian-Libyan memorandum of understanding](#), which was signed more than five years ago, constitutes a cover for the continuation of the acts of exploitation, enslavement and violence against migrants by obstructing their departure to Europe and forcibly returning them to Libyan lands.

On January 10, the Norwegian Refugee Council and the International Rescue Committee said in a [joint statement](#) that Libyan authorities had arrested more than 600 migrants and refugees while they were camping outside a former humanitarian aid center in the capital, Tripoli. The two organizations said that some refugees were injured during their detention, and that one of them was hit by live bullets.

In January, the authorities used excessive force to break up a sit-in of a large number of migrants and refugees in front of the office of the United Nations High Commissioner for Refugees in the capital, Tripoli. About 2,000 people participated in the sit-in, according to information received from the Belady Foundation for Human Rights. Belady confirmed that the Libyan authorities detained the women and children during the sit-in, and transferred them to the Ain Zara detention center of the Anti-Illegal Immigration Authority.

As a result of the inhumane conditions that migrants suffer in detention centers, this June, a 19-year-old Sudanese youth named [Mohamed Abdel Aziz](#) was found hanged inside his cell in the Ain Zara detention center. The Sudanese immigrant was one of the participants in the sit-in in front of the UNHCR headquarters, and he was among those who were assaulted during the sit-in before being transferred to the detention center. According to what we have received from the Belady Foundation, on April 20, Ain Zara center witnessed the shooting

of a migrant believed to be from Niger, and there is no information available on his health condition. Other reports indicated that the Ain Zara detention center also witnessed, among its many violations, the exploitation of migrants and their forced labor.

While human traffickers and violators of the rights of migrants and refugees in Libya enjoy impunity, as a result of the lack of political will of the Libyan authorities to end the suffering of migrants and refugees, as well as the complicity and involvement of the security services and armed groups with strong influence in the country, efforts in Europe to hold human traffickers and violators of migrant rights accountable sometimes bear fruit. In February 2022, a Palermo Court handed down a sentence of 20 years in prison for two Bangladeshis for detaining and torturing migrants in Zuwara.

During the first half of this year, the tragedy of the drowning and death of migrants in the Mediterranean continued. From the beginning of the year until the end of last April, the International Organization for Migration monitored 114 deaths and 436 cases of disappearances of migrants in the Mediterranean. During the month of April alone, 232 deaths and disappearances were recorded. For example, February 27 saw about 50 migrants lost their lives after being drowned near Sabratha. During the first half of March, about 70 migrants went missing or died off the Libyan coast. On April 15, 35 migrants died on a boat that sank near Sabratha, bringing the number of migrants who drowned in that week alone to [53](#). In addition, many migrants across the Sahara, which is one of the most deadly migration routes in the world, are exposed to great risks that lead to the death of large numbers of them. For example, on 1 July, the bodies of 20 migrants, believed to be Chadians, were discovered near the border with Chad.

In its report issued in March 2022, the Independent Fact-Finding Mission in Libya confirmed the conclusion of its first report issued last year, that migrants in Libya are subjected to violations that may amount to crimes against humanity. The mission documented the continued exposure of migrants to killing, torture, inhumane acts, rape, persecution and enslavement by some state authorities, armed groups and human traffickers. The mission also documented the Libyan Coast Guard's interception of thousands of people, their forcible return to Libya, and their arbitrary detention in inhumane conditions.

The mission also indicated in its report that it had received worrying information about Bani Walid, which is a center for human trafficking located

130 kilometers southeast of Misrata, about migrants being detained, killed, tortured and raped. The mission also mentioned horrific violations committed against immigrant women in Bani al-Walid, "there they set fire to women's breasts and vaginas."

According to the information we received from the Belady Foundation for Human Rights, some detention centers were closed this year, such as the Daraj, Bir Al-Ghanam, Al-Mahmia and Sabratha centers. According to the Belady Foundation, the closure of detention centers did not stand in the way of continuing to detain and arrest migrants in other prisons, such as Jendouba Prison of the Ministry of Justice in Gharyan and other prisons in Ghadames. Last March, the Prime Minister of the National Unity Government, Abdel Hamid Dabaiba, opened a detention center for Arab immigrants.

The Libyan Crimes Monitoring Organization has also documented [the violations](#) suffered by migrants held in the Maya detention center, about 30 kilometers west of the capital, Tripoli, where 1,500 to 1,700 migrants are being held.

The Belady Foundation for Human Rights has confirmed that some centers have witnessed a decrease in the number of detainees in recent months, such as Ain Zara and Tariq Al-Sikka detention centers. Meanwhile, campaigns to raid the homes of migrants and refugees, arrest them and transfer them to detention centers continued, such as the raid campaign carried out by the Passport Investigation Office (Zuwara Branch) last April, during which more than 300 migrants were arrested and transferred to detention centers in Tripoli.

In their report issued on June 28, both the Libyan Network Against Torture and the World Organization Against Torture monitored the continuation of forced expulsion and mass deportation of migrants, refugees, and asylum seekers, with the number of forcibly expelled from January to June 2022 amounting to about 500 migrants. The report documented what it described as systematic, summary expulsions from Shahat, Al-Bayda, and Qanfouda detention centers in Kufra.

There is no political will to solve the refugee crisis

Tens of thousands of displaced people in Libya are still chasing hope for an end to their plight, as a result of the continuation of systematic policies and practices that exacerbate the suffering of the displaced, due to the absence of the political will of all successive governments since the revolution to stop the bleeding of displacement of citizens throughout the country and hold the perpetrators of grave violations against the displaced accountable.

In mid-June 2022, [the United Nations recorded](#) the return of 10,000 IDPs to their original homes during the year, while the total number of internally displaced people until then is about 159,000. Among those displaced are about 40,000 people from Tawergha whose tragedy began in 2011. Last May, the Stabilization Support Agency carried out a [forced eviction of the displaced Tawerghans](#) residing in Al Falah Camp 1 and Al Falah Camp 2 in the center of the capital, Tripoli. This resulted in the displacement of about 530 families, as the first camp was inhabited by about 360 families and the second about 170 families.

It is worth noting that despite the signing of an agreement for return and compensation in March 2017, and the issuance of a decision by the Presidential Council in December of the same year to begin the return of the displaced Tawerghans to their city at the beginning of February 2018, the people who tried to return to their homes at that time were prevented from doing so. More than 5 years after the return and compensation agreement, and 4 years after the decision to open the city for return, the people did not receive compensation, and the city still lacks the basic services that must be provided to enable the residents to live in it. This makes returning to Tawergha a bitter option for the people who want to return home but are unable to do so due to the authorities' reluctance to provide basic services in the city.

According to the International Organization for Migration, by the end of last January, the number of [displaced people in Libya](#) had reached about 168,000. The displaced in eastern Libya were concentrated in the regions of Benghazi, Ajdabiya and Derna, while the displaced in the west of the country were concentrated in the regions of Misrata and Sirte, and the displaced in southern Libya were concentrated in the regions of Murzuq, Ubari and Al-Jafra. The International Organization for Migration has indicated that the humanitarian needs of the displaced in those areas range from providing housing, food and health services.

Kidnapping for ransom

The fragility of the security situation, the exacerbation of the phenomenon of impunity and the absence of accountability made the kidnappings for ransom, or the enforced disappearance of citizens and activists a regular practice in Libya during the last decade. During the past months of 2022, kidnappings for ransom continued in many Libyan regions, especially in Benghazi, Sabha, Khams, Sabratha, Gharyan and Bani Walid. The majority of the victims of kidnappings were foreigners, in particular expatriate workers, migrants and asylum seekers, who hold the nationalities of the following countries: Egypt, Niger, Bangladesh, Sudan, Nigeria, Eritrea, Ethiopia and the Philippines.

For example, in January, the Benghazi Security Directorate managed to [free a group of Bangladeshi workers](#) who had been kidnapped, and the kidnappers demanded a ransom of \$1,500 per person. In June, The Benghazi Security Directorate also freed [an Egyptian child](#) who had been kidnapped and the kidnappers demanded a ransom of about 100,000 dinars for the child release. In April, the 444th Brigade of Fighting which follow the Government of National Unity [announced](#) the liberation of 18 kidnapped persons of different nationalities, after they had been kidnapped in Bani Walid for a ransom.

The press is under threat

Moreover, journalists in Libya continue to be threatened with enforced disappearance and assault. For example, Mabrouka al-Mismari, a correspondent for Channel 218 in Benghazi, was assaulted by a group of eight people on February 12. The correspondent of Channel 218, Ali Al-Rifawi, was kidnapped in the city of Sirte on March 26, before being released in early July. It is worth mentioning here that about a week after Rifawi's kidnapping, the journalist, human rights activist and head of the Red Crescent Society in Ajdabiya, Mansour Atti, was released 10 months after his kidnapping.

Journalists in Libya live in a relatively dangerous environment as a result of threats of death, torture, enforced disappearance and arrest. This leads to the imposition of self-censorship for fear of reprisals, and this atmosphere resulted in waves of the flight of many Libyan journalists outside the country, seeking safety and looking for practicing their work without fear of being killed and subjected to various attacks. Recently, reports indicated that more than 80 journalists have fled

Libya since 2014, and some neighboring countries have turned into self-imposed exile for some fleeing journalists.

